

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ALL BUILDING AND PROPERTY
SERVICES, INC., a Nevada corporation

Plaintiff,

v.

ROBERT E. POOLE, TRUSTEE
DOROTHY D. POOLE TRUST;
DOROTHY D. POOLE TRUSTEE
DOROTHY D. POOLE TRUST;
DOROTHY D. POOLE TRUST; VISTA
POINTE HOMEOWNERS
ASSOCIATION, a Nevada Non Profit
Cooperative Corporation; LEACH KERN
GRUCHOW ANDERSON SONG, LTD., a
Nevada Limited Liability Company;
SECRETARY OF HOUSING AND
URBAN DEVELOPMENT; DOES 1
through 10, inclusive,

Defendants.

Case No. 3:21-cv-00400-LRH-CSD

**ORDER FOR EXTENSION
(Second Request)**

Defendant Secretary of Housing and Urban Development (“Defendant”) and Plaintiff All Building and Property Services, Inc. (“Plaintiff”) stipulate, subject to this court’s approval, that Defendant shall have until October 31, 2022 to file a reply in support of

1 Defendant's motion to dismiss. (ECF No. 6). This is the second request for an extension of
2 Defendant's reply deadline.

3 Defendant requires additional time because the AUSA who is handling this case was
4 injured in a recent accident and will be unable to prepare a reply for at least the next three
5 weeks. (If the court requires, Defendant will submit a more detailed explanation of the
6 circumstances under seal.)

7 In addition, counsel for Defendant avers that a number of civil division attorneys in
8 the U.S. Attorney's Office for the District of Nevada have left the office in the past 11
9 months and two more have announced their intention to move to other U.S. Attorney's
10 Offices by year's end. *See* Declaration of Blaine T. Welsh at ¶ 3. The vacancies have resulted
11 in much higher-than-normal workloads for attorneys in the civil division of the U.S.
12 Attorney's Office for the District of Nevada and those workloads would prevent any of the
13 remaining AUSAs from being able to respond before October 31, 2022. *Id.*

14 Under these circumstances, the parties submit that good cause exists for an extension
15 allowing Defendant up to and including October 31, 2022 to file a reply in support of
16 Defendant's motion to dismiss *See* Fed. R. Civ. P. 6(b)(1)(A) ("When an act may or must
17 be done within a specified time, the court may, *for good cause*, extend the time...with or
18 without motion or notice if the court acts, or if a request is made, before the original time
19 or its extension expires[.]") (emphasis added).

20 This stipulation is made in good faith and not for the purpose of undue delay. (*Id.*).
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CONCLUSION

For the reasons argued above, Defendant and Plaintiff respectfully stipulate that the deadline to file the reply in support of Defendant's motion to dismiss be extended to October 31, 2022.

Respectfully submitted this 12th day of October 2022.

JASON M. FRIERSON
United States Attorney

/s/ Blaine T. Welsh
BLAINE T. WELSH
Assistant United States Attorney
Attorney for Defendant
Secretary of Housing and Urban
Development

/s/ Kerry P. Faughnan
Kerry P. Faughnan, Esq., NSB #.12204
Attorney for Plaintiff
All Building and Property Services, Inc.

IT IS SO ORDERED:



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE

DATED: October 12, 2022.